The question that the Travancore-Cochin Criminal Procedure (Temporary Provisions) Bill be taken into consideration was put and carried.

The question that clauses 2 and 3 stand part of the Bill was put and carried.

The clauses were added to the Bill.

The question that clause 1 stand part of the Bill was put and carried.

The question that the Preamble stand part of the bill was put and carried.

The Preamble was added to the Bill.

The question that the Title stand part of the Bill was put and carried.

The Title was added to the Bill.

Sri P. K. Krishnankutty Menon: I move that the Bill be passed.

The question that the Travancore-Cochin Criminal Procedure (Temporary) Bill be passed was put and carried.

The Bill was passed.

The Travancore Medical Practitioners Act (Amendment) Bill

Chief Minister: **(Sri. C. Kesavan)** I beg to introduce the Travancore Medical Practitioners Act (Amendment) Bill.

Sri. K. M. Korah: I second it.

Sri. C. Kesavan: The term of office of the members of the Travancore Medical Council is fixed under Section 9 (1) of the Act as three years. The Second Travancore Medical Council constituted under the Act functioned for the full term of three years and the term expired on the 14th October 1950. It was not possible to conduct elections and to constitute the next Council in time. It was, therefore, necessary to extend the term of the Second Council. For that purpose the Act was amended by Ordinance X of 1950 (this was replaced by Act XXVI of 1950) to enable Government by notification to extend the term for at period not exceeding six months. The term of the Second Medical Council was accordingly extended for a period of six months. The extended term also expires on the 14th April 1951.

In the meantime the necessity for a uniform law relating to the registration of medical practitioners applicable to the whole State and the question of constituting a separate Council for the various systems of medicine was engaging the attention of the Government. It was at that time decided that the necessary law for that purpose should be enacted. But since the passing of the new law and the constitution of the Council thereunder would take some time, it was considered necessary to extend further the term of the Council. Accordingly the Act was again amended by Ordinance I of 1951 and in pursuance of the powers conferred by the Ordinance, the term was further extended for a period of one year from 14th April 1951. The present Bill is intended to achieve the above object. The Bill when passed will be reserved for the assent of the President.

Mr. Speaker: The Bill is introduced.

Sri. C. Kesavan: I move that the Bill may be taken into consideration at once.

Sri. K. M. Korah: I second it.

Sri. P. S. Nataraja Pillai: In the statement of objects and reasons it is stated that the Travancore Medical Practitioners (Amendment) Act, 1950 and the Travancore Medical Practitioners (Amendment) Ordinances, 1950 and 1951 (Ordinances

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X of 1950 and I of 1951) would come within the scope of the definition of "existing law" under the constitution and in that case it would be necessary to comply with the formalities contemplated by the Constitution in such cases. What are the formalities contemplated? I would like the member to enlighten the House on this point.

Sri. C. Kesavan: It requires the assent of the President before it is passed into law and comes into force.

Sri. P. S. Nataraja Pillai: Were not the previous amendment Act and Ordinance submitted to the President for approval?

Sri. C. Kesavan: It is not that. The whole Bill has to be reconsidered in the light of the Constitution. A new Bill has to be passed and the assent of the President has to be obtained.

Sri. P. S. Nataraja Pillai: I would like to make a few observations. Sir, as I said before, this amendment for extension of time was before this House two or three times. Government have extended the life of the Medical Council by Ordinances for one and a half years. By statutory sanction another extension for six months was granted. Now they have again come up for further extension for two years. In October 1950 when the matter came up for discussion before the House the official spokesman said:

"കൗൺസിലിന്റെ കാലാവധി ന്യ കൊല്ലത്തേക്കോ വ്യ കൊല്ലത്തേക്കോ തെന്നിയുമുപോലെ നീട്ടികൊണ്ടുപോകണമെന്നല്ല ഗവണ്മെന്റിന്റെ ഉദ്ദേശം കഴിയുന്നതും വേഗത്തിൽ ഒരു ബിൽ എഴുതിയുണ്ടാക്കി സഭയിൽഅവതരിപ്പിക്കണമെന്നതൊയാണ് ഗവണ്മെന്റ ഉദ്ദേശിക്കുന്നതു്. ന്യ മാസത്തിനകാതന്നെ അതു ചെയ്യാൻ സാധിക്കുമെന്നും പ്രതിക്ഷിക്കുന്നുണ്ടു്."

Six months have elapsed. Now the motion for extension comes from another spokesman of the Government Benches. The term of the Council expired on the 14th October 1950. One year has already elapsed. Even during this period of one year Government were not in a position to finalise their proposals to draft a new Bill. Will they be able to do it even within this extended period is doubtful I am doubtful whether the present Government will be in a position to concentrate their attention to draft a Bill as to satisfy the necessity. As I remarked on the previous Bill, it will be better for Government to think over the matter and put a time-limit sufficiently elastic enough to enable them to draft the Bill and come before this House with it as early as possible. I would like to have a definite assurance from the Government side on this matter.

Sri. A. Thanu Pillai: I oppose this Bill. It is really difficult to describe the utter irresponsibility displayed by Government in bringing forward a Bill of the kind. One is tempted to ask, what is this Government doing? Do they feel that they have a right to continue in office and throw the affairs of the country into utter confusion? If they have no time to deal with matters relating to the Government of the country, should they not consider, in fairness, to the State and its people, whether they should not abdicate and then allow the State to be run by whomsoever and in whatever form it is possible? What is it that they say in the Statement of Objects and Reasons? "The term of the Second Travancore Medical Council expired on the 14th October 1950 and it was not possible to conduct elections and constitute the next Council in time. The Travancore Medical Practitioners Act was therefore amended by Ordinance No. X....." etc. How many Ordinances, how many Laws? Now they have come forward with a proposal that they should be given two years. After all, what is the matter? It is the

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[Sri A. Thanu Pillai]

constitution of the Board—the Medical Council. There is the existing law relating to the Travancore Medical Council. If they want to continue the Council, they can constitute the Council under the existing law. Where is the difficulty? The normal life of the Council is only three years. After two years of postponement, they have now come forward and asked for another two years.

Sri. C. Kesavan: That is a mistake. It is only a *total* period of two years.

Sri. A. Thanu Pillai: It is said in clause 3 of the Bill: "In sub-section (1) of Section 9 of the said Act, the following shall be added as a proviso, namely:

"Provided that the Government may for any special reason extend the term of office of the members by such further period not exceeding two years as they may by notification, in the Gazette specify."

What is the provision in Section 9? Is it to extend the period? Has the hon. Chief Minister a copy of the Act? May I know what that Section says?

Sri. C. Kesavan: Section 9 (1) says:

"Save as otherwise provided in this Act, the term of office of the members other than ex-officio members shall be for a period of three years commencing from the date on which the first meeting of the Council is held. An outgoing member shall continue in office until election or nomination of his successor as the case may be." That is, three years commencing from the date on which the first meeting of the Council is held.

Sri. A. Thanu Pillai: Already, the period has been extended by one year. One more year is already over. They want yet one more year. Whatever that be, what is the justification for asking, even according to the interpretation given to the Act, for one more year? They say, "the necessity for a uniform law relating to the registration of medical practitioners applicable throughout the State and the constitution of separate councils for the Allopathic and the Indian systems of medicine was engaging the attention of Government, and it was at that time decided to enact the necessary law." When was the necessity for a uniform law felt? It must have been felt on the date of the integration of Travancore and Cochin. That was in July 1949. So, it is now about two years and three months since the necessity for a uniform law has been felt. I seriously ask: what were the Government doing all these years? They have not been able to bring forward a uniform law. I fully concede that there is necessity for a uniform law. But the question is whether this kind of tardiness should be countenanced by this House and whether there is really any justification for extending this period. Now, they want one more year. Why not constitute the Council under the existing law if they are not able to enact the new law? Let them then bring forward a Bill. Let them constitute a new Council. To fix a period, there must be some reason. The Council was originally expected to function for three years. Now it has functioned for over four years. Why do they want one more year? We have got medical men who are fit to be members of the Medical Council. Why not constitute a new Medical Council? Let them function. Let them take their own time. Why should there be this postponement? Why should we allow the same people to continue? We do not know how they got in there. It was a Council that was constituted for the first time. Naturally, it could not be a very well-considered or well-constituted Council, because it was the first time. Why not have a change? Personally, I am not at all satisfied that there is any justification for this kind of postponement and they are taking things too lightly and they are dealing with this House in a very lighthearted manner. Even for that very simple reason, this Bill has to be opposed. So, with

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all the vehemence at my command, Sir, I oppose the Bill, and I hope this House will see the justice of what I am now saying and the fairness and the strength of what I now urge. Why should the Government function in this way and be allowed to put off things? Therefore, irrespective of party, party strength, and all manner of things, this kind of dealing with public affairs should certainly be objected to, be resisted, and this Bill be thrown out. I oppose this Bill.

Sri. P. Balakrishnan Tampi: I share the views of my frind, Mr. Nataraja Pillai. I also wish it had been possible for the Government to presenta Bill to the House instead of going in for this short measure of relief, so to speak, but I cannot for a moment believe that any wrong has been done to this country or to any group of people. I challenge my friend Mr. Thanu Pillai whether there would be any one individual in this State who would feel aggrieved, because the Medical Practitioners Bill has not been brought a day earlier before the House. I can understand if only my hon. friend has taken the trouble to read the printed things before the House, he could have seen that the delay was inevitable. It is after the introduction of the 1119 Act in the State that the All-India Committee for Indigenous Medicine, known as the Bhore Committee, has produced its valuable report. We have since then found the defects in our Council. In Travancore, a premature attempt was made at the synthesis of the mutually conflicting systems of medicine. Here we have got a composite council in which a high-grade allopath an F.R.C.S. sits with the hakim and the vaidyan. Is it possible for such a body to sit back and evolve a system in regard to such a thing as medicine? The object of the Travancore Legislature of the past was certainly very commendable. They tried to see whether they could have a synthesis, an integration, of the different systems of medicine. But a specialised Committee like the Bhore Comittee found that before anything could be done in that line, they had to integrate the different systems of medicine. For that, trained personnel was required. Colleges had to be started. Men who were trained in the indigenous medicine had to study the whole of western medicine, and men who have studied western medicine had to study the eastern systems of medicine. Then alone proper teachers could be got and proper institutions started. Only after that time, the Committee envisages that there would be the possibility of integration of the different systems, and only after integration they could distinguish between integrating and synthesising the systems. It is in such circumstances that the Bill has come up before the House and it serves no purpose to repeat the affairs here. They thought that they could be benefited by the latest opinion on the subject.

Another thing which possibly might have stood in the way of this Bill is that this is a matter of interstatal recognition. Unless all the States come into line, unless there is previous understanding between State and State and between the States and the Centre—

Mr. Speaker. Order, order. The House will now adjourn and meet again at 2·0 p.m.

The House rose for lunch at 1-0 p.m. and re-assembled at 2-0 p.m., with Mr. Speaker in the Chair.

Point of order *re* Answers to Unstarred Questions

[2 P. M.]

Miss Annie Mascarene: Sir, on a point of order. Answers to unstarred questions printed and given to us are not placed on the table of the House as usual. We have heard answers only to oral questions. I want to know when this Government is going to give us answers to questions posted for today.

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